

Remarks

There is enclosed herewith a declaration of Man Chiang Niu, the inventor of record, prepared pursuant to 27 CFR 1.132.

In that declaration Dr. Niu establishes his credentials noting that his relevant professional experience includes being employed as a biologist at Stanford University, being an assistant professor of general physiology at Rockefeller University in New York City and a professor of biology at Temple University in Philadelphia, Pennsylvania as well as a director of the Niu laboratory in Peking, China.

Dr. Niu further notes that he has authored and co-authored nearly one hundred scientific papers which have appeared in leading journals, world-wide, over the past 50 years.

Dr. Niu further states his belief that a person of ordinary skill in the art, upon reading the patent application to which this response paper is directed, would immediately appreciate the usefulness of the invention disclosed and claimed in the patent application based on the elimination of experimental protocols for introducing foreign, i.e. non-indigenous, DNA to obtain transgenic plants, which protocols are known to persons of ordinary skill in the art to be laborious, time consuming and to produce variable, inconsistent results. Dr. Niu further notes that the invention disclosed and claimed in the patent application provides a simple, easily performed method for producing transgenic plants by introducing foreign mRNA thereinto. Dr. Niu further notes that the resulting transgenic plants are capable of synthesizing the protein in

subsequent generations based on a transfer of the genetic information transferred into the plants via the mRNA molecules.

Dr. Niu further notes his belief that the genetically transformed plants producing highly desirable proteins are economically important and commercially desirable. He notes that one skilled in the art would appreciate the large amount of work that is eliminated using the method of the invention as disclosed and claimed in the patent application to obtain protein, specifically soy globulin protein, and the commercial viability of the resulting protein.

Dr. Niu further notes that he performed the immunoassays illustrated in Figures 1 through 6 of the patent application. Dr. Niu further asserts that the immunoassays amino acid actively illustrate the pharmacological activity of the soy globulin produced by transgenic plants obtained using the method of the invention.

Regarding the Hansen reference cited by the examiner, Dr. Niu notes that he has reviewed the Hansen reference and believes it to be an accurate general survey of transformation methods which were known at the time the Hansen article was written. Dr. Niu goes on to note that, however, the Hansen article does not mention use of transformation based on mRNA in transgenic plants and therefore does not anticipate, foreshadow or render obvious the methods of the invention disclosed and claimed in the instant patent application.

Dr. Niu further notes that he has reviewed the Songstad article cited by the examiner concerning using full cDNA and microinjection. Dr. Niu notes that the techniques in the Songstad article do not involve mRNA but it rather involve the full compliment of DNA. Dr. Niu further notes his belief that the problems noted in the

Songstad article are overcome by the use of the mRNA rather than the full complement of DNA.

Dr. Niu further notes that he has used the microinjection techniques described in the application and has been successful in producing transgenic plants producing soy globulin protein. He further directs the examiner's attention to the articles listed on pages 1 and 2 of the patent application specification which clearly illustrates the success of microinjection procedures using mRNA. Dr. Niu further notes that he did not encounter any problems concerning degradation of mRNA by ubiquitous enzymes using the methods disclosed and claimed in the patent application referenced above.

Applicant submits that this evidentiary declaration is further support for applicant's position regarding the patentability of the claims pending in the application. Once again, applicant requests reconsideration of the application, withdrawal of the objections to the application, reconsideration and withdraw of the rejections of the claims currently pending in the application, and issuance of a notice of allowance for this application.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

Respectfully submitted,

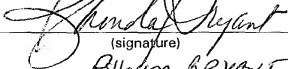
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<p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)</p> <p>I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p align="center"> (signature)</p> <p>BY: <u>RHONDA BRYANT</u></p> <p>DATE: <u>JULY 28, 2003</u></p>
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